

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/584,096 Application of: Rodolfo Verzegnassi and Thomas Aimon Filed: June 22, 2006 Attorney Docket No. FR030158 For: DATA RECEIVER HAVING MEANS FOR MINIMIZING INTERFERENCE AND METHOD USED IN SUCH A RECEIVER	Confirmation No.: 1407 Art Unit: 2618 Examiner: Ping Y. Hsieh Customer No.: 25235
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DECLARATION OF EVIDENCE UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. This Declaration of Evidence is being submitted under 37 C.F.R. § 1.132 to present expert analysis and opinion with respect to the likelihood of success of creating the claimed invention based on the combination of prior art as asserted by the Examiner.
2. I, Rodolfo Verzegnassi, am an Electrical Engineer.
I received my MSC in electrical engineering from the Università degli Studi in Trieste (I).

I reside at

6, Av Des Ledres
Olloo Antibes France

3. I affirm and declare that I have been retained by or have been otherwise employed by the Applicant to conduct this analysis and present this opinion, regardless of whether my opinion is consistent or inconsistent with the position of the Applicant.
4. I affirm and declare that I have reviewed and analyzed the Examiner's Office Action dated November 27, 2009 of U.S. Patent Application Serial No. 10/584,096. I

have also reviewed and analyzed the art cited by the Examiner, namely U.S. Patent No. 7,313,114 issued to Karjalainen ("Karjalainen") and U.S. Patent No. 2004/0028121 by Fitton ("Fitton") in their entirety.

5. I affirm and declare that I have reviewed and analyzed application 10/584,096. In doing so I have identified claims 1, 4 and 11 as independently defining the scope of the invention. I declare that my analysis and opinion is based on the data receiver described in pending claims 1, 4, and 11 including, but not limited to

- a. a plurality of rake fingers of the data receiver, each rake finger comprising:
means for respectively evaluating the contribution of interferences of data caused by the channel said means for respectively evaluating the contribution of interferences including a plurality of correlators, wherein each correlator receives scrambling codes of other links that contribute to the interference; and
- b. subtracter means for cancelling the contribution of interference in the user data for the rake finger, using the respectively evaluated interferences in each path of the rake finger, said subtracter means being placed before said unscrambling means.

6. Based on the evidence I have reviewed, it is my expert opinion that it would not be reasonable to expect one skilled in the art, at the time of the Applicant's invention, to be successful in creating the claimed invention by combining the teachings of Karjalainen and Fitton to recreate the claimed invention.

7. At the time of the present invention it was commonplace to cancel or remove interference after data had been unscrambled. Conventional interference removal techniques post unscrambling operate at approximately 15 kHz.

8. To organize subtractions of interferences prior to unscrambling using conventional prior art techniques at the time of the present invention, the subtractions must be organized at a frequency of approximately 3.8 MHz.

9. After careful analysis and consideration of the facts presented to me, my understanding of the invention claimed by the Applicant, in consideration of the art described in Fitton and Karjalainen, and based on my experience and education in the fields of semiconductors [REDACTED], it is my expert opinion that it would have been uncommon at the time of the present invention to increase operational frequency of a data receiver, thus increasing hardware requirements, to meet the 3.8 MHz requirement necessary for interference subtraction prior to unscrambling when conventional interference subtraction techniques as described in Fitton and Karialainen could be accomplished at a frequency of as little as 15 kHz. In my expert opinion one skilled in the relevant art would not be motivated to modify the teachings of Fitton and Karialainen to subtract interferences prior to unscrambling as is claimed in the present invention.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Dec 30th, 2009



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